IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 23RD AUGUST 2007 / 1ST BHADRA 1929

Crl.Rev.Pet.No. 3258 of 2005()

CRA.302/2004 of ADDL. SESSIONS COURT, ALAPPUZHA
CC.429/2003 of JUDL.MAGISTRATE OF FIRST CLASS-II(MOBILE),ALAPPUZHA

.....

REVN. PETITIONER: ACCUSED

UTHAMAN K., AGED 43 YEARS,
S/O.KARUNAKARAN, KALATHATHINGAL HOUSE,
AVALOOKUNNU P.O., ALAPPUZHA.

BY ADV. SRI.MANJU ANTONEY

RESPONDENTS: COMPLAINANT

---

1. N.RAVEENDRAN NAIR,
KUTTIPPURATHU VEEDUM AVALOOKUNNU P.O.,
ALAPPUZHA.

2. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 23/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.R.P.No.3258 of 2007

Dated this the 23rd day of August 2007

O R D E R

The petitioner is an accused who faces indictment in several prosecutions under Section 138 of the Negotiable Instruments Act. In this prosecution, the petitioner has been found guilty, convicted and sentenced. The verdict of guilty and conviction were upheld by the learned Sessions Judge. The petitioner is now sentenced to undergo S.I for a period of 3 months. There is a further direction to him to pay an amount of Rs.1,10,000/- as compensation and in default to undergo S.I for a period of six months. There is a further direction to pay an amount of Rs.2,000/- as cost and in default to undergo S.I for a further period of 15 days.

2. The petitioner had come before this court earlier. I had narrated all the relevant circumstances in the common order passed in Crl.R.P.No.2823/07 and connected matters. Earlier, the petitioner had come before this court and an order dated 22/11/2006 was passed in Crl.M.C.No.2865/06.

3. There is thus a direction that the substantive sentence of imprisonment imposed in this case shall run concurrently with the substantive sentences imposed in seven other cases. By the common order in Crl.R.P.No.2823/07 and connected cases, the default sentence imposed on the petitioner was reduced by this court considering the peculiar facts and circumstances of this case. This case could not be disposed of along with Crl.R.P.No.2823/07 and connected cases as service in the case was not completed by then. Service is complete now. There is no appearance for the respondent/complainant. Considering all the relevant circumstances, I am satisfied that identical relief as was granted to the petitioner in Crl.R.P.No.2823/07 and connected matters can be given to the petitioner in this Crl.R.P also.

4. In the result, this Crl.R.P is allowed in part. The impugned verdict of guilty, conviction and substantive sentence of imprisonment, the direction that the substantive sentence shall run concurrently and the direction for payment of compensation and cost are all upheld. But it is directed that the total default sentence imposed on the petitioner in this case shall

be reduced to S.I for a period of one month. For default in payment of the amount of Rs.1,12,000/- (Rs.1,00,000/- as compensation and Rs.2,000/- as cost), the petitioner need undergo a total default sentence of S.I for a period of one month only.

5. Hand over copy of this order to the learned counsel for the petitioner. Communicate this order to the prison authorities, that is Central Prison, Thiruvananthapuram forthwith.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007